

IV. REMARKS

Claims 1-22 were presented for prosecution and were rejected under 35 USC 102(e) as being anticipated by Gunter Ollman's "Custom HTML Authentication – Best Practices on Securing Custom HTML Authentication Procedures," hereinafter "Ollman." The specification was amended to correct a numbering error. Applicant respectfully traverses the above rejections for the following reasons.

A. Improper Application of 35 USC 102(e)

Applicant respectfully submits that the rejection is improper because 35 USC 102(e) explicitly deals only with prior art patents and patent applications. However, Ollman is neither a patent nor a patent application, as required under the statute. Instead, Ollman is a non-patent publication. Accordingly, because the grounds for rejection are defective, Applicant submits that the current rejection should be withdrawn.

B. Ollman does not anticipate the claimed invention

Even if, *arguendo*, Ollman was a proper reference under 35 USC 102(e), Ollman still fails to teach each and every feature recited in each of the claims. Numerous deficiencies exist in the Ollman reference. For example:

Claim 2 recites: "wherein the system for responding stops issuing HTTP "OK" response codes and issues no response after a predetermined number of improper requests are detected." The Office Action alleges that this feature is taught on pages 3-4. No such teaching is made regarding a process that stops issuing OK's and then issues no response. Applicant respectfully

asks the Examiner to specifically point out where such a teaching is made, or withdraw the rejection.

Claim 4 recites: “wherein a request is deemed improper if the request has a zero length.” The Office Action alleges that this feature is taught on pages 4-5. No such teaching is made regarding zero length requests. Applicant respectfully asks the Examiner to specifically point out where such a teaching is made, or withdraw the rejection.

Claim 5 recites “wherein a request is deemed improper if an HTTP “post” or an HTTP “get” command is expected and neither an HTTP “post” nor an HTTP “get” command is received.” The Office Action alleges that this feature is taught on pages 3-5. Ollman merely teaches that post commands are preferred over get commands on page 3. A similar argument applies for claim 6. Applicant respectfully requests withdrawal of the rejections.

Claim 8 recites: “wherein the system for responding to improper requests includes a response protocol that utilizes a standard error handling procedure for a first improper request from a requesting resource, issues an HTTP OK response code for N subsequent improper requests from the requesting resource, and then stops responding to the requesting resource altogether.” No such teaching is made regarding a three step process as claimed. Applicant respectfully asks the Examiner to specifically point out where such a teaching is made, or withdraw the rejection.

Independent claims 10 and 17 recite a similar three step process as that discussed above with respect to claim 8. Applicant respectfully asks the Examiner to specifically point out where such a teaching is made, or withdraw the rejection.

Each of the claims not specifically addressed herein is believed allowable for the reasons stated above, as well as their own unique features.

Applicant respectfully submits that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Hoffman", written over a horizontal line.

Michael F. Hoffman
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